

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>5/15/2020</u>

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THOMAS ALBERTO ROBLES,

Plaintiff,

-against-

20-cv-2106 (VEC)

ORDER

HOLY SEE (STATE OF VATICAN CITY; THE
VATICAN); OUR LADY OF MOUNT CARMEL
PARISH; CHURCH OF OUR LADY OF MT.
CARMEL; OUR LADY OF MT. CARMEL
DEVELOPMENT CORPORATION;
ARCHDIOCESE OF NEW YORK a/k/a ROMAN
CATHOLIC ARCHDIOCESE OF NEW YORK;
ARCHBISHOP OF NEW YORK; and THE
SOCIETY OF THE CATHOLIC APOSTOLATE
a/k/a PALLOTTINES,

Defendants.

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VALERIE CAPRONI, United States District Judge:

WHEREAS on April 16, 2020, the Court ordered Plaintiff to show cause why this case should not be dismissed for lack of subject-matter jurisdiction (Dkt. 27);

WHEREAS Plaintiff submitted a brief to show cause on May 1, 2020, (Dkt. 35), and Defendant Society of Catholic Apostolate responded by letter to Plaintiff's brief on May 15, 2020 (Dkt. 38);

WHEREAS Plaintiff asserts that the Court has jurisdiction over this matter pursuant to the Foreign Sovereign Immunities Act ("FSIA"), 28 U.S.C. 1330(a), and 28 U.S.C. 1367(a);

WHEREAS the FSIA provides that "district courts shall have original jurisdiction without regard to amount in controversy of any *nonjury* civil action against a foreign state" 28 U.S.C. 1330(a) (emphasis added);

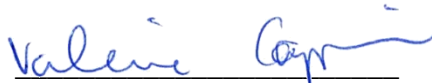
WHEREAS it is well-settled that district courts have only jurisdiction over actions against foreign states to conduct nonjury trials, *see, e.g., Aboeid v. Saudi Arabian Airlines, Inc.*, No. CV-10-2518, 2011 WL 2222140, at *3 (E.D.N.Y. June 1, 2011); and

WHEREAS the Complaint demands a trial by jury (Dkt. 1);

IT IS HEREBY ORDERED that Plaintiff's jury demand is stricken, *see* Fed. R. Civ. P. 39(a)(2). Plaintiff must notify the Court not later than **May 22, 2020**, whether he intends to continue to pursue this action in federal court. The Court will hold further decision on its Order to Show Cause in abeyance until it receives such notice from Plaintiff.

SO ORDERED.

Date: May 15, 2020
New York, New York


VALERIE CAPRONI
United States District Judge